IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19931 of 1993

Between:

1. Palacharla Ammanna, S/o Rama Krishna, r/o Peddada village,

Pedapudi Mandal, East Godavari District.

2. Yarlagadda Somaraju, S/o Papa Rao, r/o Peddada village,

Peddapudi Mandal, East Godavari District.

3. Chiratla Krishna Murthy S/0 Veerraju, r/o Peddada village,

Peddapudi Mandal, East Godavari District.

..... PETITIONERS

AND

1. Government of A.P., rep. by its Secretary,

Revenue Department, Secretariat, Hyderabad.

2. Mandal Revenue Officer, Pedapudi Mandal,

Pedapudi, East Godavari District.

3. Adi Andhra Vyvasya Cooli Sangham, rep.by its President

Padala John s/o Appa Rao, r/o G. Mamidada, Adi Andhra peta, Pedapudi Mandal.

4. Padala John s/o Appa Rao, r/o G. Mamidada, Adi Andhra peta, Pedapudi Mandal.

5. Gara Gandhi s/o Appa Rao.r/o G. Mamidada, Adi Andhra peta, Pedapudi Mandal.

6. Tirri Narayudu s/o Venkanna, r/o G. Mamidada, Adi Andhra peta, Pedapudi Mandal.

7. Gali Anna Rao s/o Veeranna, r/o G. Mamidada, Adi Andhra peta, Pedapudi Mandal.

8. Sundarapalli Gopalam s/o Venkanna, r/o G. Mamidada, Adi Andhra peta, Pedapudi Mandal.

*(9) Surella Venkanna s/o Sooraiah, r/o G. Mamidada, Adi Andhra peta, Pedapudi Mandal.

10. Gram Panchayat, G. Mamidada village, Pedapudi Mandal,

East Godavari District, rep.by its President.

*Petition as against R9 was dismissed for default as per Court order dated 26.03.2004.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, declaring the action of the respondents 1 and 2 in granting leases of lands comprised in S.Nos.311, 316,318/2 of G.Mamidada village, Pedapudi Mandal, East Godavari District to the 3rd respondent and its members as illegal, arbitrary and without jurisdiction to restrain the respondent from doing so in future and pass such other orders.

Counsel for the Petitioner: Mr. M. KRISHNA MOHAN RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court Made the Following :

ORDER

The petitioners herein seek a declaration that the action of respondents 1 and 2 in granting lease of lands in S.Nos.311,316, 318/2 of G.Mamidada village, Pedapudi Mandal, East Godavari District to the 3rd respondent and its members as illegal and arbitrary and for a direction to restrain the respondents from doing so in future.

Heard both sides.

The petitioners complain that the poramboke land leased out to the 3rd respondent for agriculture purpose is the path way to the land of the petitioners and that the respondents are not conferred any power under law to lease out such lands. It is to be seen that the poramboke lands in the village vest in the Gram Panchayat and that therefore the leasing out the said land by the respondents 1 and 2 is beyond the

powers conferred under law.

The learned counsel for the petitioners submit that this court in similar circumstances in W.P.No.4464 of 1999 dated 23.3.1984 held that the revenue authorities are not entitled to assign or lease out the poramboke lands vested in the Gram Panchayat and allowed the writ petition. On appeal in W.A. No.1126 of 1984 dated 28.02.1988, a Division Bench of this Court confirmed the judgment in the writ petition.

Having regard to the principles laid down by a Division Bench of this Court that the revenue authorities have no power to lease out the poramboke lands vested in the Gram Panchayat, it has to be held that the action of the respondents 1 and 2 is beyond the powers conferred under law.

The writ petition is accordingly allowed. No costs.

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2nd July 2004

BJ/Glv.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Friday day the Second day of July Two thousand and four.

To

1. The Secretary, Revenue Department,

Government of A.P., Secretariat, Hyderabad.

2. Mandal Revenue Officer, Pedapudi Mandal,

Pedapudi, East Godavari District.

3. The President, Gram Panchayat, G. Mamidada village, Pedapudi Mandal, East Godavari District.

4. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

5. Two C.D. copies.